

## REMARKS

This paper is submitted in response to the pending final Office Action mailed on September 23, 2005. Because this response is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened statutory period for reply set to expire on **December 23, 2005**, this amendment is timely filed.

Moreover, this paper is submitted contemporaneously with a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, and a check in the amount of \$790.00 for the RCE fee set forth under 37 C.F.R. §1.17(e). The total fees believed due in connection with this Response and the RCE are \$790.00, however, please charge **Deposit Account No. 02-1818** for any fees deemed owed.

### I. STATUS OF THE CLAIMS

Prior to this response, claims 1 to 41 were pending, with claims 10 to 32 having been withdrawn pursuant to a Restriction Requirement dated May 6, 2003. By this response, claims 1 to 41 have been canceled without disclaimer and new claims 42 to 61 have been added in an attempt to clarify the subject matter for which protection is sought. In particular, the claims have been amended to ensure clarity and consistency, and not to address any pending rejection or other statutory deficiency. Applicant submits that no additional claim fees are required because the number of new claims presented by the Response is less than the number of originally filed and pair for claims. Thus, claims 42 to 61 are pending and at issue in this application.

New claims 42 to 61 are directed to, among other things, a voltage variable assembly, a printed circuit board assembly and an assembly method. Applicant submits that these new claims simply define the subject matter for which protection was originally sought, and that no new matter has been added. Furthermore, Applicant asserts that these new claims are not submitted for any reason related to patentability, to disclaim any subject matter, to overcome any reference of record or for any other statutory reason. Specification support for the multi-layer claims can be found for example in the original specification at page 8, line 26.

### II. INTERVIEW SUMMARY

Applicant wishes to thank the Examiner for participating in a telephonic conference with Applicant's attorney Matthew T. Ridsdale (Reg. No. 56,832) on

December 1, 2005. The help and cooperation provided by the Examiner allowed for a consensus to be reached regarding the above-presented new claims 42 to 61. In accordance with this consensus and agreement, Applicant and Examiner agree that the new claims 42 to 61 are patentable over any combination of the cited art of record. Applicant respectfully requests entrance of these new claims and acknowledgement of their allowability.

### III. CLAIM REJECTIONS

The pending final Office Action rejects: claims 1 to 4, 7 to 9, 33 to 36 and 39 to 41 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,294,374 to Martinez et al. ("*Martinez*")<sup>1</sup>; claims 1 to 6, 9, 33 to 38 and 41 under 35 U.S.C. §102(b) as anticipated by International Application No. WO 96/02922 to Schrier et al. ("*Schrier*"); claims 5, 6, 37 and 38 as obvious over *Martinez* in view of *Nichols* and further in view of *Schrier*; and claims 7, 8, 39 and 40 as obvious over *Schrier* in view of *Martinez*.

Applicant respectfully traverses the rejections of original claims 1 to 9 and 33 to 41 as anticipated by and/or obvious over one or more of the cited references. In particular, Application submits that in light of the cancellation, without disclaimer, of claims 1 to 41, the pending rejections have been rendered moot. Withdrawal of these rejections is therefore respectfully requested.

Applicant further submits that in light of the telephonic conference conducted on December 1, 2005, the new claims 42 to 56 are patentable over any combination of the cited references. Because the Response is filed contemporaneously with an RCE under 37 C.F.R. §1.114 and the appropriate fees, entrance, consideration and allowance of the new claims 42 to 56 is respectfully requested.

While Applicants believe that no additional fees are due in connection with this application, Applicants respectfully request that **Deposit Account No. 02-1818** be charged for any fees deemed owed during the pendency of this application, excluding the issue fee.

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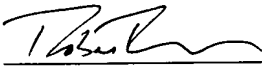
<sup>1</sup> The original rejection states that claims 1 to 4, 7 to 9, 33 to 36 and 39 to 41 are anticipated by *Martinez* in view of U.S. Patent No. 4,518,646 to Nichols. For the sake of clarity, Applicant has assumed this rejection is based solely on *Martinez*.

#### IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to contact the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY   
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Dated: **December 23, 2005**